

UNITED STATES DISTRICT COURT

for the

DISTRICT OF SOUTH DAKOTA

U.S.A. vs Diana Bald Eagle

Docket No. 5:12CR50107-003

Petition to Revoke Supervised Release

COMES NOW TARA LAKE, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Diana Bald Eagle, who was sentenced on 12/09/2013 to 92 months custody followed by 8 years supervised release by the Honorable Jeffrey L. Viken, Chief Judge, sitting in the Court at Rapid City, SD. On 08/20/2014 the sentence was amended to 36 months custody and on 07/08/2015 the sentence was amended to 30 months custody. The original offense was Conspiracy to Distribute a Controlled Substance, which is a Class B Felony and carries a statutory maximum of 3 years custody upon revocation of supervised release. The supervised release commenced on 10/30/2015.

THEREAFTER, NON-COMPLIANT BEHAVIOR OCCURRED RESULTING IN SUPERVISION INTERVENTIONS AS FOLLOWS:

Ms. Bald Eagle was released from custody on 10/30/2015 and resided in Sioux Falls, SD. On 12/21/2016 Ms. Bald Eagle began to struggle with substance abuse issues and was subsequently placed on a drug sweat patch to monitor drug use. While on the drug sweat patch, Ms. Bald Eagle tested positive for methamphetamine on 01/10/2017 and marijuana on 01/30/2017, 02/13/2017, and 02/27/2017. Ms. Bald Eagle debated with the science behind the drug sweat patch technology and denied any use of marijuana. In February of 2017 she was placed on the Code-a-Phone program to monitor substance use, enrolled in substance abuse treatment, and mental health counseling. Ms. Bald Eagle did well in services until 09/19/2017 when she tested positive for methamphetamine. She shared the relapse was a result of poor coping mechanisms that she used to escape the depression she was experiencing after her son was murdered by law enforcement in Pine Ridge, SD. At that time, Ms. Bald Eagle reengaged in treatment services. Three reports were submitted informing the Court of the aforementioned non-compliance.

On 05/12/2018 probation was notified by the Sioux Falls Police Department Ms. Bald Eagle had been detained. According to the police report, Ms. Bald Eagle was stopped for a traffic violation and escorted to a patrol car. It was noted by law enforcement she was a possible methamphetamine dealer. Ms. Bald Eagle was asked to stay in the patrol car as the officer talked to her passenger. The officer searched Ms. Bald Eagle's purse and found brass knuckles concealed inside, which violates city ordinance. As a result, Ms. Bald Eagle was arrested. Upon arrival at the Minnehaha County Jail, it was discovered Ms. Bald Eagle concealed a pipe somewhere on her person. The pipe dropped out of her possession and onto the floor in the changing area, where Ms. Bald Eagle stepped on it. The pipe could not be tested due to the health hazard it presented. Subsequently, Ms. Bald Eagle was charged with Carrying Concealed Weapons, brass knuckles; Possession of Controlled Drug or Substance, methamphetamine; Unauthorized Articles in Jail, drugs; and Possession or Use of Drug Paraphernalia. Also on 05/12/2018 probation was notified she failed to report for drug testing as directed on 05/11/2018. She again failed to report for drug testing on 05/16/2018. A report to the Court was filed on 06/04/2018.

Given the opportunity to stay in the community, Ms. Bald Eagle made a commitment to focus on change and addressing her risk factors. She began working part-time, enrolled in cognitive based treatment readiness group, and was to schedule a mental health evaluation and follow through with the recommendations, along with participating in mental health counseling to aid her with depression and anxiety. These services were to be coupled with participating in the Code-a-Phone program for substance abuse monitoring.

On 06/28/2018 probation was notified that Ms. Bald Eagle was terminated from treatment readiness group for failure to attend. She was instructed by probation to contact the service provider and reenroll in the group; however, she did not do so. Ms. Bald Eagle failed to report for Code-a-Phone on 07/05/2018, 07/20/2018, 07/24/2018, and 07/26/2018. On 07/30/2018 probation was notified that Ms. Bald Eagle did not schedule a mental health evaluation or attend counseling as directed. Probation has attempted to contact Ms. Bald Eagle to address the noncompliance; however, those attempts were unsuccessful.

The non-compliant behaviors described in the paragraphs above are the basis of the corresponding allegations listed below. They are included here to show the pattern of non-compliant behavior and the corresponding corrective measures initiated by the Probation Office.

NOW RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

1. On or about 06/28/2018, at Sioux Falls, SD, Diana Bald Eagle did fail to participate in substance abuse treatment readiness group as directed, in violation of Special Condition No. 6 of the Conditions of Supervised Release.
2. On or about 07/05/2018, at Sioux Falls, SD, Diana Bald Eagle did fail to submit a sample of her blood, breath, or bodily fluids upon the request of the probation office, in violation of Special Condition No. 4 of the Conditions of Supervised Release.
3. On or about 07/20/2018, at Sioux Falls, SD, Diana Bald Eagle did fail to submit a sample of her blood, breath, or bodily fluids upon the request of the probation office, in violation of Special Condition No. 4 of the Conditions of Supervised Release.
4. On or about 07/24/2018, at Sioux Falls, SD, Diana Bald Eagle did fail to submit a sample of her blood, breath, or bodily fluids upon the request of the probation office, in violation of Special Condition No. 4 of the Conditions of Supervised Release.
5. On or about 07/26/2018, at Sioux Falls, SD, Diana Bald Eagle did fail to submit a sample of her blood, breath, or bodily fluids upon the request of the probation office, in violation of Special Condition No. 4 of the Conditions of Supervised Release.
6. On or about 07/30/2018, at Sioux Fall, SD, Diana Bald Eagle did fail to undergo inpatient/outpatient psychiatric or psychological treatment as directed by the probation office, in violation of Special Condition No. 7 of the Conditions of Supervised Release.

PRAYING THAT THE COURT WILL ORDER that a warrant be issued for the arrest and return to Court of Diana Bald Eagle for a hearing to determine whether the Order heretofore granting supervised release should now be revoked.

I, Tara Lake, a Probation and Pretrial Services Officer employed in the U.S. District Court for the District of South Dakota, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct.

Respectfully Submitted,

Tara Lake
U.S. Probation/Pretrial Services Officer
U.S. Probation & Pretrial Services Office
314 S. Main Ave., Ste 100
Sioux Falls, SD 57104
(605)977-8994
Tara_Lake@sdp.uscourts.gov

Reviewed by:

Kirk Byrd
Supervisory U.S. Probation Officer

Date: 08/02/2018